

FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
APR 20 2005

April 15, 2005

Clerk-Civil  
United States District Court  
District of Massachusetts  
1 Courthouse Way  
Boston, Massachusetts 02210

**RE: Household Finance Corporation vs. Tracy A. Kiley a/k/a Tracy Kiley Elliott**  
C.A. No.: 1:05-cv-10342-MLW

Dear Sir/Madam:

Enclosed for filing in the above captioned matter please find the certified copies of the State Court file. Should you have any questions, please call me at 877-575-1400.

Please docket accordingly.

Thank you for your cooperation.

Very truly yours,

Shawn M. Masterson

Enclosures

cc: Tracy A. Kiley a/k/a Tracy Kiley Elliott, *pro se*

**NOTICE OF CASE MANAGEMENT  
CONFERENCE**

DOCKET NUMBER

**200535CV000004**Court of Massachusetts  
District Court Department  
Civil SessionCASE NAME **HOUSEHOLD FINANCE CORPORATION vs. TRACY A. KILEY A/K/A TRACY ELLIOTT, KILEY**

PARTY TO WHICH THIS COPY OF NOTICE IS ISSUED

COURT COPY

CURRENT COURT

Edgartown District Court  
81 Main Street  
P.O. Box 1284  
Edgartown, MA 02539-1284  
(508) 627-3751

ATTORNEY FOR PARTY TO WHICH THIS COPY OF NOTICE IS ISSUED

COURT COPY

**CASE MANAGEMENT CONFERENCE  
SCHEDULED for 06/09/2005 10:00 AM  
(Dist Ct Standing Order 1-98).**

ROOM/SESSION

**Main Courtroom**←←←←←  
WHEN  
YOU  
MUST  
APPEAR  
←←←←←

COURT CONTACT PERSON &amp; TELEPHONE NO.

Jayne Ruley 508 627 3751

JUDGE OR MAGISTRATE (if already assigned)

Hon. H. Gregory Williams

Pursuant to Mass. R. Civ. P.16 and G.L. c. 221, ss 62C, counsel for all parties to this action are **ORDERED** to appear at a case management conference at this court on the above date and time to report on the status of this action.

1. **Agenda.** The purpose of the case management conference is to determine the trial readiness of the case; offer and conduct early-intervention alternative dispute resolution; establish deadlines for discovery, amendment of pleading, addition of parties, dispositive motions, and disclosure of expert witnesses; resolve any discovery dispute and address pending motions; review any proposed case management orders submitted by any party; enter case management orders as appropriate; and assign a firm trial date for cases ready for trial or a firm pretrial conference date for all cases not ready for trial.
2. **Obligations of Counsel.** Counsel shall be familiar with the facts of the case and shall have authority to settle and to select firm dates for trial or pretrial conference. Clients or persons with settlement authority shall be available for telephone consultation with counsel during the case management conference. Counsel shall serve any proposed case management orders and motions to opposing counsel in advance of the case management conference. Counsel are **not** required to prepare any memorandum for the case management conference.
3. **Continuances.** Request for continuances of the case management conference for good cause shall be addressed in writing to the judge named below and shall list all dates in the next thirty days that counsel is unavailable for the case management conference.
4. **Liaison.** Please call the court contact person listed above with any questions or to report settlement.

A True Copy Attest

Clerk/Magistrate

DATE ISSUED

03/01/2005

JUDGE ISSUING ORDER

Hon. H. Gregory Williams

CLERK-MAGISTRATE

C-M Liza H. Williamson

COMMONWEALTH OF MASSACHUSETTS

DUKES, SS

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT  
EDGARTOWN DIVISION  
Civil Action No. 0535CV0004

HOUSEHOLD FINANCE CORPORATION,  
Plaintiff

VS.

TRACY A KILEY A/K/A  
TRACY KILEY ELLIOTT,  
Defendant

ANSWER TO COMPLAINT  
COUNT I

1. Agreed
2. Tracy A. Kiley ("Defendant") N/K/A Tracy Kiley Elliott is an individual residing at 108 West Tashmoo Ave, Vineyard Haven, Dukes County, Massachusetts.
3. Disagree

COUNT II

4. Disagree
5. Agreed
6. Agreed
7. Disagree
8. Disagree

A True Copy Attest

*LH Williams*

Clerk/ Magistrate

COMMONWEALTH OF MASSACHUSETTS

DUKES, SS

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT  
EDGARTOWN DIVISION  
Civil Action No. 0535CV0004

**COUNTERCLAIM**

1. Tracy Kiley Elliott ("Defendant") intends to file personal bankruptcy. Household Finance Corporation ("Plaintiff") has been informed that this debt will be included in the bankruptcy filing.
2. Plaintiff has violated the Mass. Gen Law Chapter 93A, 940 Code of Mass. Regs. 7.00 in an attempt to collect this debt.
3. Plaintiff has violated the Federal Law 15 USC 1692c in an attempt to collect this debt.

WHEREFORE, Defendant requests the following relief:

1. That the Court dismiss this Civil Action, as the case should be handled in the Massachusetts Bankruptcy Court; and
2. For such other relief as the Court may deem just and equitable.

Defendant,



Tracy Kiley Elliott  
PO Box 2794  
108 W. Tashmoo Ave.  
Vineyard Haven, MA 02568  
(508) 696-8702

A True Copy Attest

  
Clerk/ Magistrate

Dated: February 4, 2005

Trial Court of The Commonwealth  
District Courts of Massachusetts**DUKES**

, ss

HOUSEHOLD FINANCE CORPORATION

VS.

TRACY A KILEY A/K/A.  
TRACY KILEY ELLIOTTCivil Action No. 0535CV0004**SUMMONS**

(Rule 4)

To defendant Tracy A Kiley (name) of 111 West Tashmoo Ave, Vineyard Haven, MA (address)

You are hereby summoned and required to serve upon Shawn M. Masterson, plaintiff's attorney, whose address is 86 Weybosset St. Providence, RI 02903, a copy of your answer to the complaint which is herewith served upon you, within 20 days after service of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the office of the Clerk of this court either before service upon plaintiff's attorney, or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint. You need not appear personally in court to answer the complaint.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

WITNESS BRIAN ROWE, Presiding Justice, on \_\_\_\_\_ (date)

(SEAL)

  
Clerk

- Note: (1) When more than one defendant is involved, the names of all defendants should appear in the action. If a separate summons is used for each defendant, each should be addressed to the particular defendant.  
(2) The number assigned to the complaint by the Clerk at commencement of the action should be affixed to this summons before it is served.

**RETURN OF SERVICE**

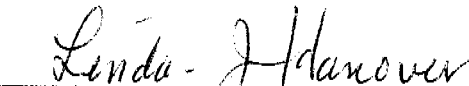
County of Dukes County, ss.

Clerk/ Magistrate  
January 19, 2005

I hereby certify and return that I this day served an attested copy of the within Summons, together with a copy of the Complaint and Statement of Damages, in this action, upon the within named defendant, Tracy A. Kiley a/k/a Tracy Kiley Elliott, in the following manner: by delivering, in hand, to said defendant.

## Fees:

service, in hand	30.00
travel/auto hire	7.65
attested copies	5.00
return & mailing	3.50
Total:	46.15

  
Linda J. Hanover  
Deputy Sheriff  
County of Dukes County

- (3) If service is made at the last and usual place of abode, the officer shall return with him a copy of the summons to such last and usual place of abode, and shall set forth in the return the date of mailing and the address to which the summons was sent (G.L. c 223, sec. 31).

COMMONWEALTH OF MASSACHUSETTS

DUKES, SS

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT  
EDGARTOWN DIVISION  
Civil Action No.:

HOUSEHOLD FINANCE CORPORATION,  
Plaintiff

VS.

TRACY A KILEY A/K/A  
TRACY KILEY ELLIOTT,  
Defendant

**COMPLAINT**  
**COUNT I**

1. Household Finance Corporation, ("Plaintiff") is a business entity with a principal place of business at 841 Seahawk Circle, Virginia Beach, Virginia.

2. Tracy A Kiley ("Defendant") is an individual residing at 111 West Tashmoo Ave, Vineyard Haven, Dukes County, Massachusetts.

3. Defendant owes Plaintiff the sum of \$5,999.90 on account.

WHEREFORE, Plaintiff requests the following relief:

1. That the Court enter judgment against Defendant in the amount of \$5,999.90, plus interest and costs; and

2. For such other relief as the Court may deem just and equitable.

**COUNT II**

4. Plaintiff specifically incorporates herein the allegations contained in Paragraphs 1 and 2 of Count I hereof.

A True Copy Attest



Clerk/ Magistrate

5. On or about June 16, 2003, the Defendant executed a promissory note in the principal amount of \$5,999.90 with interest at the rate therein-specified payable to the holder thereof (the "Note").

6. Plaintiff is the present holder of the Note.

7. Defendant has failed and refused to make payments as and when required, and is currently in default.

8. Defendant owes Plaintiff the principal sum of \$5,999.90, plus accrued interest at the rate of 23.00% since the date of default, which was on or about June 17, 2003 through April 13, 2004, in the amount of \$1,138.24, together with additional interest from and after December 22, 2004, cost of collection, and reasonable attorneys fees as provided in the Note.

WHEREFORE, Plaintiff requests the following relief:

1. That the Court enter judgment against Defendant in the amount of \$7,138.14, plus interest from and after December 22, 2004 at the rate of 12.000% per annum, plus costs and attorney's fees.
2. For such other relief as the Court may deem just and equitable.

Plaintiff,  
By its attorneys,  
Shechtman Halperin Savage, LLP

Shawn M. Masterson #658276  
86 Weybosset Street  
Providence, RI 02903  
(401) 272-1400

Dated: December 22, 2004

A True Copy Attest

*LH Williamson*

Clerk/ Magistrate

COMMONWEALTH OF MASSACHUSETTS

DUKES, SS

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT  
EDGARTOWN DIVISION  
Civil Action No.:

HOUSEHOLD FINANCE CORPORATION,  
Plaintiff

VS.

TRACY A KILEY A/K/A  
TRACY KILEY ELLIOTT  
Defendant

STATEMENT OF PARENT COMPANIES AND PUBLIC COMPANIES

Pursuant to the Supreme Judicial Court Rule of Corporate Disclosure Statement on Possible Judicial Conflicts of Interest, (SJC Rule 1:21), HOUSEHOLD FINANCE CORPORATION hereby lists as follows:

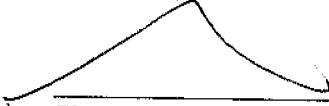
Parent Companies of the Plaintiff:

Household International

Publicly held Companies that own 10% or  
more of the Plaintiff:

HSBC Hong Kong Sheng  
Chid Bank Incorporated

PLAINTIFF,  
By its attorneys,  
Shechtman Halperin Savage, LLP

  
Shawn M. Masterson #658276  
86 Weybosset Street  
Providence, RI 02903  
(401) 272-1400

Dated: December 22, 2004

A True Copy Attest

  
Clerk/ Magistrate



PLAINTIFF(S)  
HOUSEHOLD FINANCE CORPORATION

DEFENDANT(S)  
TRACY A KILEY a/k/a  
TRACY KILEY ELLIOTT

INSTRUCTIONS: THIS FORM MUST BE COMPLETED AND FILED WITH THE  
COMPLAINT OR OTHER INITIAL PLEADING IN ALL DISTRICT COURT  
CIVIL ACTIONS SEEKING MONEY DAMAGES

EDGARTOWN DIVISION DISTRICT COURT

TORT CLAIMS

AMOUNT

A. Documented medical expenses to date:

1. Total Hospital expenses: .....
2. Total doctor expenses: .....
3. Total chiropractic expenses: .....
4. Total physical therapy expenses: .....
5. Total other expenses: (Describe): .....

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

SUBTOTAL:

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

B. Documented lost wages and compensation to date: .....

C. Documented property damages to date: .....

D. Reasonably anticipated future medical and hospital expenses: .....

E. Reasonably anticipated lost wages: .....

F. Other documented items of damage (Describe): .....

G. Brief description of Plaintiff's injury, including nature and extent of injury (Describe):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For this form, disregard double or treble damage claims; indicate single damages only.

TOTAL:

CONTRACT CLAIMS

AMOUNT

Provide a detailed description of claim(s): CLAIM ON A DEFAULTED PROMISSORY NOTE

\$ 7,138.14  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

For this form, disregard double or treble damage claims; indicate single damages only.

TOTAL:

\$7,138.14

ATTORNEY FOR PLAINTIFF (OR PRO SE PLAINTIFF)

12/22/2004

Shawn M. Masterson #658276

86 Weybosset Street

Providence, RI 02903

DEFENDANT'S NAME AND ADDRESS

TRACY A KILEY a/k/a TRACY KILEY ELLIOTT

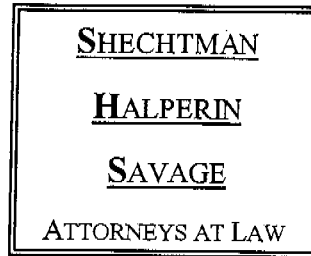
111 West Tashmoo Ave

Vineyard Haven, Massachusetts 02568

A True Copy Attest

*[Signature]*

Clerk/ Magistrate



*A Limited Liability Partnership*

January 3, 2005

Clerk of the Court  
Edgartown Division  
81 Main Street  
P.O. Box 1284  
Edgartown, MA 02539

RE: Household Finance Corporation  
VS. Tracy A Kiley a/k/a Tracy Kiley Elliot

Dear Clerk:

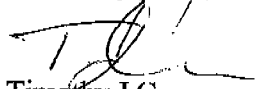
Enclosed please find the following:

1. an original complaint and statement of damages;
2. filing fee in the amount of \$195.00;
4. one copy of the complaint and statement of damages.

Please indicate the civil action number on the enclosed copies and return them to me in the self-addressed, stamped envelope that has been enclosed. *(Sent - 1/6/05 GDS)*

Thank you for your cooperation.

Very truly yours,

  
Timothy J Caron  
Paralegal

02/06/05 06/05 CIVIL  
02/06/05 06/05 CIVIL  
A True Copy Attest

195.00  
15.00



Clerk/ Magistrate